



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,097	03/30/2001	Guangdian Gordon Wu	068508.0102	9058
23640	7590	03/24/2008	EXAMINER	
BAKER BOTTS, LLP			OSMAN, RAMY M	
910 LOUISIANA			ART UNIT	
HOUSTON, TX 77002-4995			PAPER NUMBER	
			2157	
			NOTIFICATION DATE	
			DELIVERY MODE	
			03/24/2008	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

debbie.allen@bakerbotts.com

Office Action Summary	Application No. 09/822,097	Applicant(s) WU, GUANGDIAN GORDON	
	Examiner RAMY M. OSMAN	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37, 53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37, 53 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to amendment filed November 26, 2007, where applicant amended claim 1, cancelled claims 51-52, and added new claims 53-54. Claims 1-37, 53 and 54 are pending.

Response to Arguments

2. Applicant's arguments filed 11/26/2007 have been fully considered and are found to be persuasive. However, a new ground of rejection is presented in light of Applicants amendment. Applicants arguments are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 101

3. Claims 1 and 53 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite a "personal base process" on a computer system/network. Paragraph 65 lines 2-5 of Applicants specification mention that the "bases can be implemented entirely in software". Therefore it is clear that a possible embodiment of the invention can be a program per se, which is not directed to a process occurring as a result of executing the program on an actual physical machine. For a claim like this to be statutory, an actual hardware device is required (as mentioned in paragraph 65 lines 6-8), where the device is programmed to operate in accordance with the program in order to realize the functionality of that program. These claims do meet this criterion and are therefore deemed non-statutory.

Art Unit: 2157

4. Furthermore, claim 53 recites “tangible medium”. Applicant is requested to remove this limitation since the specification does not define it and its statutory scope can not be determined from the specification. An acceptable word replacement can be “hardware”.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5,8-10,12-33,35-37,53 and 54 rejected under 35 U.S.C. 102(e) as being anticipated by Gershman et al (US Patent No 6,401,085).

7. In reference to claims 1,53 and 54, Gershman teaches a personal base process on a computer system, a computer program on a computer network, and an information handling system, all respectively comprising:

a personal base instance on at least one of said nodes on said computer system, said personal base instance being constructed and arranged to communicate with a user (column 39 lines 27-47, Gershman discloses a browser user interface for user persona interaction);

a personal base server on at least one of said nodes on said computer system, said personal base server being constructed and arranged to communicate with said personal base instance and at least one of said nodes of said computer system other than said user (Figure 10A and column

Art Unit: 2157

39 lines 53-67, Gershman discloses a web server 1020 communicating with the browser and other network nodes); and

wherein: the personal base instance is configured to:

communicate with the personal base server (column 40 lines 36-37, Gershman discloses browser communicating with web server);

communicate with a plurality of third parties (column 40 lines 43-52, Gershman discloses communicating with content providers); and communicate with the user (column 40 line 38, Gershman discloses user communicating with the browser);

wherein:

the personal base instance is configured to communicate with the plurality of third parties through the personal base server (column 40 lines 43-52, Gershman discloses communicating with content providers); and

the user does not communicate with the personal base server (column 40 line 38, Gershman discloses user communicating with the browser).

8. In reference to claims 2 and 3, Gershman teaches the personal base process as in claim 1 , wherein said personal base process further comprises a database in functional communication with said personal base instance, said database constructed and arranged to store data originating from said personal base instance (column 39 line 57 – column 40 line 25).

9. In reference to claims 4 and 5, Gershman teaches a personal base process as in claim 1 , wherein said personal base process further comprises a database in functional communication with said personal base instance, said database constructed and arranged to provide data to said personal base instance (column 39 line 57 – column 40 line 25).

Art Unit: 2157

10. In reference to claims 8,10 and 12, Gershman teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is a second instance of a personal base (column 40 lines 35-50, it is an inherent teaching within Gershman that more than one terminal can be in communication with personal base).

11. In reference to claim 9, Gershman teaches the personal base process as in claim 1 , wherein said node of said system in communication with said personal base server is a second user (column 40 lines 35-50).

12. In reference to claims 13 and 14, Gershman teaches the personal base process as in claim 1 , wherein said node of said system in communication with said personal base server is another software process; and a third party institution (column 39 line 57 – column 40 line 25).

13. In reference to claims 15-26, 31 and 32, Gershman teaches the personal base process as in claim 1. Gershman further teaches wherein said node of said system in communication with said personal base server can be any of a telephone caller; an e-mailer, via a telephone; via a personal computer; via a facsimile; via a personal digital assistant; via a keyboard; via a touch sensitive video screen; via e-mail; via a Web page; via a mobile telephone; via a server computer; via a pager (see Figure 17).

14. In reference to claim 27, Gershman teaches the personal base process as in claim 1, wherein communication between said personal base instance and said user is via a smart card. (column 44 lines 15-20).

15. In reference to claims 28-30, Gershman teaches the personal base process as in claim 1, including where a user is authenticated, and wherein said communication between said personal

Art Unit: 2157

base instance and said user is authenticated via an identification card; via a smart card; and via a credit card (column 44 lines 15-37).

16. In reference to claim 33, Gershman teaches the personal base process as in claim 1, wherein said personal base has at least one special layer devoted to a specific function (column 41 lines 7-17).

17. In reference to claim 35, Gershman teaches the personal base process as in claim 33, wherein said special layer is devoted to employer information (column 41 lines 14-16 & 35).

18. In reference to claim 36, Gershman teaches the personal base process as in claim 33, wherein said special layer is devoted to scheduling information (column 40 line 45).

19. In reference to claim 37, Gershman teaches the personal base process as in claim 33, wherein said special layer is devoted to messages (column 40 line 46).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. **Claim 11 rejected under 35 U.S.C. 102(e) as being unpatentable over Gershman et al (US Patent No 6,401,085).**

22. In reference to claim 11, Gershman teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is a second personal server. "Official Notice" is taken that multiple servers can host a single personal base

Art Unit: 2157

service as is the case when multiple servers are used to host a single website. It would have been obvious for one of ordinary skill in the art to modify Gershman wherein said node of said system in communication with said personal base server is a second personal server as is the case when multiple servers are used to host a single website

23. Claims 6,7 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Gershman et al (US Patent No 6,401,085) in view of Moshfeghi et al (US Patent No 6,076,166).

24. In reference to claims 6 and 34, Gershman teaches the personal base process as in claim 1. Gershman fails to explicitly teach wherein said personal base server has a dedicated medical layer. However, Moshfeghi teaches a personalized hospital portal for the purpose of personalizing medical network accessibility for users (column 2 lines 5-10, 25-40 & 58-64).

It would have been obvious for one of ordinary skill in the art to modify Gershman by making the personal base server as a dedicated medical layer as per the teachings of Mashfeghi for the purpose of personalizing medical network accessibility for users.

25. In reference to claim 7, Gershman teaches the base process as in claim 6. Gershman fails to explicitly teach wherein said node of said system in communication with said dedicated medical layer of said personal base server is a medical institution. However, Moshfeghi teaches a personalized hospital (medical institution) portal for the purpose of personalizing medical network accessibility for users (column 2 lines 5-10, 25-40 & 58-64).

It would have been obvious for one of ordinary skill in the art to modify Gershman by making the node of said system in communication with said dedicated medical layer of said

Art Unit: 2157

personal base server is a medical institution as per the teachings of Mashfeghi for the purpose of personalizing medical network accessibility for users.

Conclusion

26. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO

March 16, 2008

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157